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Interim Class Counsel and Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER)
AIR TRANSPORTATION)
ANTITRUST LITIGATION)**

Case No. 07-cv-05634-CRB

MDL No. 1913

This Document Relates to:

Wortman et al., v. Air New Zealand et al.,
Case No. 07-05634-CRB

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED PURSUANT TO CIVIL
LOCAL RULE 3-12**

**ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE
RELATED PURSUANT TO CIVIL LOCAL RULE 3-12**

Case No. 07-CV-05634-CRB

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Interim Class Counsel submit this Administrative Motion to Consider Whether Cases Should be Related to *Wortman et al., v. Air New Zealand et al.*, Case No. 07-05634-CRB, pursuant to Civil Local Rules 3-12 and 7-11.

A. INTRODUCTION

The Judicial Panel on Multidistrict Litigation has transferred to this Court for coordinated pretrial proceedings certain antitrust actions relating to an alleged conspiracy to fix, raise, maintain, and/or stabilize prices for certain long haul passenger flights to and from Asian and Pacific countries and for fuel surcharges on this transportation. The corresponding Multidistrict Litigation Number is MDL-1913.

On March 17, 2008, this Court entered Pretrial Order #1 ("PTO#1"), Docket No. 98. PTO#1 provides *inter alia* for all related actions to be consolidated with the instant action and establishes a Master Docket File styled "*In Re: Transpacific Passenger Air Transportation Antitrust Litigation*" under the identification C 07-5634.

The below listed cases meet the requirements of Civil Local Rule 3-12 to be related to the instant case. Interim Class Counsel respectfully request that the Court issue an order formally relating the below listed cases with the instant case so that the cases may be consolidated pursuant to PTO#1.

B. RELATED CASES

The following actions are related to the instant case:

1. *Schelly et al. v. Air New Zealand et al.*, Case No. 07-06071-MMC, complaint filed in the Northern District of California on November 30, 2007;
2. *Clark et al. v. Air New Zealand et al.*, Case No. 07-06357-MMC, complaint filed in the Northern District of California on December 14, 2007;
3. *Adlin v. Air New Zealand et al.*, Case No. 07-06410-EDL, complaint filed in the Northern District of California on December 18, 2007;

4. *Feigenbaum v. Air New Zealand et al.*, Case No. 08-00308-BZ, complaint filed in the Northern District of California on January 16, 2008;
5. *Labarge v. Air New Zealand et al.*, Case No. 08-00487-SC, complaint filed in the Northern District of California on January 23, 2008;
6. *Frederick v. Air New Zealand et al.*, Case No. 08-00615-MEJ, complaint filed in the Northern District of California on January 25, 2008;
7. *Hirai v. Air New Zealand et al.*, Case No. 08-01453-CRB, complaint filed in the Northern District of California on March 17, 2008.

C. RELATIONSHIP OF THE ACTIONS

The Administrative Motion is made on the grounds that the actions referred to above involve substantially overlapping parties and events. All actions allege that defendants engaged in a conspiracy to fix, raise, maintain, and/or stabilize prices for certain long haul passenger flights to and from Asian and Pacific countries and for fuel surcharges on this transportation, in violation of the Sherman Act, 15 U.S.C. § 1.

Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an undue burdensome duplication of labor and expenses or the possibility of conflicting results if the cases are conducted before different Judges. Therefore, it will be more efficient for all cases to proceed before the same Judge so that these analyses and determinations are made by one Court.

D. CONCLUSION

The actions referred to above satisfy the criteria of Rule 3-12. Therefore, plaintiffs

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respectfully request that the cases listed above be deemed related to *Wortman et al. v. Air New Zealand et al.*, and that they be assigned to the Honorable Charles R. Breyer.

DATED: April 10, 2008

COTCHETT, PITRE & McCARTHY

/s/ Stuart G. Gross
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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

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16 **IN RE TRANSPACIFIC PASSENGER)**
AIR TRANSPORTATION)
17 **ANTITRUST LITIGATION)**

Case No. 07-cv-05634-CRB

MDL No. 1913

18 _____)
19 **This Document Relates to:**)

CERTIFICATE OF SERVICE

20 *Wortman et al. v. Air New Zealand et al.*)
21 Case No. 07-05634-CRB)
22 _____)

CERTIFICATE OF SERVICE

I am employed in San Mateo County, which is where service of the documents referred to below occurred. I am over the age of 18 and not a party to the within action. My business address is Cotchett, Pitre & McCarthy, San Francisco Airport Center, 840 Malcolm Road, Burlingame, California 94010. I am readily familiar with Cotchett, Pitre & McCarthy's practices for the service of documents. On April 10, 2008, I served or caused to be served a true copy of the following documents in the manner listed below:

1. **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL LOCAL RULE 3-12; and**
2. **CERTIFICATE OF SERVICE.**

XXX BY ECF: I caused the aforementioned documents to be filed via the Electronic Case Filing (ECF) system in the United States District Court for the Northern District of California, on all parties registered for e-filing in the Docket Numbers 07-cv-05634-CRB, 07-06071-MMC, 07-06357-MMC, 07-06410-EDL, 08-00308-BZ, 08-00487-SC, 08-00615-MEJ, 08-01453-CRB. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

XXX BY OVERNIGHT COURIER SERVICE: I caused the sealed envelope containing the aforementioned document(s) to be delivered via overnight courier service to the addressee(s) specified below:

Honorable Charles R. Breyer
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Northern District of California
450 Golden Gate Avenue
Courtroom 8, 19th Floor
San Francisco, CA 94102

Honorable Bernard Zimmerman
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom G, 15th Floor
San Francisco, CA 94102

Honorable Maxine M. Chesney
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 7, 19th Floor
San Francisco, CA 94102

Honorable Maria-Elena James
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom B, 15th Floor
San Francisco, CA 94102

Honorable Elizabeth D. Laporte
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom E, 15th Floor
San Francisco, CA 94102

Honorable Samuel Conti
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 1, 17th Floor
San Francisco, CA 94102

1 **XXX BY US MAIL:** I caused the sealed envelope containing the aforementioned
2 document(s) to be delivered via US Mail to the addressee(s) specified below:

3 **(SEE ATTACHED SERVICE LIST)**

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed at Burlingame, California, on April 10, 2008.

6 /s/ Marisa Compesi

7 **MARISA COMPESI**

In re Transpacific Passenger Air Transportation Antitrust Litigation
MLD No. 1913

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